Notice of Allowability	Application No.	Applicant(s)	
	09/759,202	MATHEWS ET AL.	
	Examiner	Art Unit	
	Jennifer T Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed on 08/27/04*.

2. ☒ The allowed claim(s) is/are *1-9,11-28 and 30-41*.

3. ☒ The drawings filed on *16 April 2001* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

XIAO WU
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jordan Bodner on 01/21/05.

Claims 10 and 29 are canceled.

Claim 1 should be changed to -- A method for detecting an in-air gesture, comprising; steps of: determining whether a digitizing pen is not in contact with a digitizing writing surface; determining whether the digitizing pen is in motion with respect to the digitizing writing surface; recording positional information of the digitizing pen with respect to the surface of the digitizing writing surface within a moving buffer when the digitizing pen is determined to not be in contact with the digitizing writing surface and when the digitizing pen is determined to be in motion with respect to the digitizing writing surface, the moving buffer recording a predetermined amount of positional information spanning a predetermined amount of tine while the digitizing pen is in motion and not in contact with the digitizing writing surface; determining when the digitizing pen has stopped motion with respect to the surface of the digitizing writing surface while the digitizing pen is not in contact with the digitizing writing surface; and determining whether positional information recorded in the moving buffer corresponds to a predetermined in-air gesture that can be made with the digitizing pen, wherein the moving buffer includes positional information corresponding to a start point and an ending point, and wherein the step of

determining whether positional information recorded in the moving buffer corresponds to the predetermined in-air gesture is based on a relative position of the starting point with respect to the ending point.--.

Claim 20 should be changed to -- A computer-readable medium having computer-executable instructions for performing steps comprising: determining whether a digitizing pen is not in contact with a digitizing writing surface; determining whether the digitizing pen is in motion with respect to the digitizing writing surface; recording positional information of the digitizing pen with respect to the surface of the digitizing writing surface within a moving buffer when the digitizing pen is determined to not be in contact with the digitizing writing surface and when the digitizing pen is determined to be in motion with respect to the digitizing writing surface, the moving buffer recognizing a predetermined amount of positional information spanning a predetermined amount of time while the digitizing pen is in motion and not in contact with the digitizing writing surface; determining when the digitizing pen has stopped motion with respect to the surface of the digitizing writing surface while the digitizing pen is not in contact with the digitizing writing surface; and determining whether positional information recorded in the moving buffer corresponds to a predetermined in-air gesture that can be made with the digitizing pen, wherein the moving buffer includes positional information corresponding to a starting point and an ending point, and wherein the step of determining whether positional information recorded in the moving buffer corresponds to the predetermined in-air gesture is based on a relative position of the starting point with respect to the ending point.--.

Claim 39 should be changed to -- In a computing system, a method for receiving a command input, comprising steps of: detecting a motion of a stylus with respect to an electronic

writing surface, the stylus not physically contacting the electronic writing surface during the motion; recording positional information of the stylus with respect to the electronic writing surface in a buffer; determining, responsive to the motion stopping, whether ~~the motion of the stylus~~ the positional information recorded in the buffer corresponds to a first motion from a plurality of predefined motions; and performing a function associated with the first motion in response to the ~~motion of the stylus~~ the positional information corresponding to the first motion, wherein the buffer includes positional information corresponding to a starting point and an ending point, and wherein the step of determining whether positional information recorded in the buffer corresponds to the first motion is based on a relative position of the starting point with respect to the ending point.--.

Claim 40 should be changed to -- The method of claim 39, further including a step of displaying predetermined information on the electronic writing surface in response to the ~~detected motion~~ positional information corresponding to the first motion.

Claim 41 should be changed to -- In a computing system, a method for receiving a command input, comprising steps of: detecting a motion of a stylus with respect to an electronic writing surface, the stylus not physically contacting the electronic writing surface during the motion; recording positional information of the stylus with respect to the electronic writing surface in a buffer; detecting an end of motion event after the step of detecting the motion; determining, responsive to the end of motion event, whether the ~~motion of the stylus~~ positional information recorded in the buffer corresponds to a first motion from a plurality of predefined motions; and performing a function associated with the first motion in response to the motion of the stylus corresponding to the first motions, wherein the buffer includes positional information

corresponding to a starting point and an ending point, and wherein the step of determining whether positional information recorded in the buffer corresponds to the first motion is based on a relative position of the starting point with respect to the ending point.--.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225.** The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

JNguyen
01/21/2005

XIAO WU
PRIMARY EXAMINER